



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6909-99

28 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 1 June 1979 at the age of 18. Your record reflects that on 19 July 1979 you received nonjudicial punishment (NJP) for disrespect and were awarded forfeitures totalling \$400 and correctional custody for six months. The correctional custody was suspended for six months. On 29 August 1979 you received NJP for possession of marijuana, absence from your appointed place of duty, and disrespect. The punishment imposed was a \$400 forfeiture of pay and correctional custody for 30 days. On 4 October 1979 you received NJP for absence from your appointed place of duty, disrespect, failure to obey a lawful order, consuming alcohol while in a restricted status, damaging government property, and disorderly conduct. The punishment imposed was forfeitures totalling \$400 and correctional custody for 30 days.

Your record further reflects that on 9 January 1981 you received your fourth NJP for disrespect, three specifications of failure to obey a lawful order, and destruction of government property. The punishment imposed was forfeitures totalling \$500. On 15 January 1981 you were convicted by special court-martial (SPCM) of four

periods of unauthorized absence (UA) totalling 380 days, two specifications of assault, disobedience, and disrespect. You were sentenced to a \$2,004 forfeiture of pay, confinement at hard labor for five months, and a bad conduct discharge (BCD). On 20 February 1981, while in confinement, you received NJP for disrespect, damage of government property, assault, and communicating a threat and were awarded a \$500 forfeiture of pay. Subsequently, the BCD was approved at all levels of review and ordered executed. On 18 June 1982 you received a BCD.

The Board, in its review of your entire record and application considered all mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded so that you may receive veterans' benefits. The Board also considered your contention that you were told that your discharge was to be upgraded six months after your separation. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct and lengthy periods of UA, which resulted in five NJPs and a court-martial conviction. Given all the circumstances of your case the Board concluded your discharge was proper as issued and no change is warranted. Further, the Board noted that no discharge is upgraded merely because of the passage of time. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director